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EXAMINER	
KYLE, CHARLES R	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/399,753	MILLER ET AL.
	Examiner	Art Unit
	Charles R Kyle	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-25,27-40 and 43-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-25,27-40 and 43-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15-19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Silverman.*

With respect to Claim 15, see the discussion of Claim 16 below and *Ludwig* discloses inviting prospective group members at Col. 22, lines 26-38.

With respect to Claim 16, *Ludwig* discloses the invention substantially as claimed, including in a method of creating a user-defined network environment without requiring administrator privileges (Fig. 1; Col. 5, line 65 to Col. 6, line 64), the steps of:

1) invitation to join a group by for prospective group members, wherein at least some of the prospective group members are unknown to a user creating the networked environment (Fig. 22; Col. 24, line 48 to Col. 25, line 3);

2) creating a group by specifying a plurality of group members entitled to use the user-defined network environment (Figs. 2A and 8B; Col. 24, lines 16 to Col. 26, line 26);

3) selecting a plurality of web-accessible (Fig. 2B, ""Posle Browser" element) tools from a list of available tools, wherein the selected web-accessible tools are to be made available over an IP network (Col. 8, lines 16-26) to the plurality of group members specified in step 1 (Figs. 20, 30; Summary of the Invention; Col. 18, lines 39-45);

4) through the use of computer software (Summary of the Invention) automatically creating the user-defined networked environment by creating a web page (Fig. 2B, ""Posle Browser" element) accessible to the plurality of group members selected in step 1, and providing access via the web page to the plurality of web-accessible tools selected in step 2 (Col. 19, line 49 to Col. 20, line 4; Fig.. 8A).

Ludwig does not specifically disclose advertisement for group members. *Silverman* discloses this limitation within a negotiating environment at Col. 3, lines 56-64. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ludwig* to include the advertising of *Silverman* because this would provide a broader potential market for negotiated trading.

Ludwig does not specifically disclose a group identifier and description. *Ludwig* does disclose interest in the distribution of particular information to particular groups at Col. 12, lines 38-48. Official Notice is taken that it was old and well known to provide group identifiers and descriptions to direct particular information to particular groups. For example, a group of traders dealing particular types of goods would benefit by being clearly identified and described so as to help new group participants locate the group and its related information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ludwig* to provide such group identification and description to users because this would have allowed users to find groups in which he/she might wish to participate and obtain information relevant to his/her particular interests.

With respect to Claim 17, *Ludwig* discloses the invention substantially as claimed. See the discussion of Claim 16 above. *Ludwig* does not specifically disclose screening prospective members. *Silverman* disclose such screening at Summary of the Invention. It would have been obvious to screen for participants as disclosed by *Silverman* in the method of *Ludwig* because this would have limited the environment to dealing with acceptable counter parties as disclosed by *Silverman* at Col. 4, lines 13-27.

Concerning Claim 18, *Ludwig* discloses electronic collaboration among group members Abstract.

With respect to Claim 19, *Ludwig* discloses destroying the environment at Col. 23, lines 31-50.

With respect to Claim 25, *Ludwig* discloses brainstorming in the environment at Col. 1, lines 39-45.

Claims 27-31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Silverman* and further in view of Applicants' admission of Prior Art.

With respect to Claim 27, *Ludwig* discloses the invention substantially as claimed. See the discussion of Claim 16 above. *Ludwig* does not specifically disclose steps 5-9 as set forth in Claim 27. Applicants admit these steps as prior art at page 9, line 8 to page 11, line 1 as posting listings (page 9, "Post a listing to a board"), posting responses (page 9," Post response to listing on board"), researching responses (page 10, "Internet access to research resources"), negotiating to accept a response (page 10, "Negotiation") and electronically signing the contract (page 10, "Online signature of uploaded document"). See Applicants' labeling of these elements by the

heading "First Generation Complex Instrument Trading Technology (PRIOR ART)" at page 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ludwig* with the trading steps disclosed as prior art by Applicants because this would have provided tools for the business negotiation activities disclosed by *Ludwig* at Col. 1, lines 25-50. See also *Ludwig* at Col. 35, line 29 to Col. 41, line 34 for a description of the relation between collaboration tools and trading/negotiation.

Concerning Claim 28, *Silverman* discloses a user-selected sort order at Abstract as ranking. Providing such a capability would allow users to more effectively find suitable negotiated trading opportunities.

Concerning Claims 29-31, see the discussion of Claim 27 above. *Silverman* discloses anonymous trading at Col. 1, lines 26-38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ludwig* to include the anonymous trading of *Silverman* because this would allow negotiators to transact business without allowing the opposing negotiator the advantage of knowing his/her personal characteristics and weaknesses. Simultaneous revelation of identity would allow both parties to obtain this benefit.

With respect to Claims 33 and 34, see the discussion of Claim 16 and the use of hyperlinks was old and well known at the time of the invention.

With respect to Claim 35, *Ludwig* discloses these steps that constitute negotiation at Col. 1, lines 25-50.

With respect to Claim 36, see the discussions of Claims 27 and 17 above.

With respect to Claim 37, see the discussion of Claim 16 and the use of the Internet for trading was old and well known at the time of the invention.

Concerning Claim 38, *Ludwig* discloses collaboration, communication and transaction tools at the Background of the Invention.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Silverman* and further in view of *Ferguson.*

With respect to Claim 20, *Ludwig* discloses the invention substantially as claimed. See the discussion of Claim 16 above. *Ludwig* does not specifically disclose using its invention for an auction. *Ferguson* discloses use of networked collaboration for auctions at Col. 8, lines 55-63. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the auction of *Ferguson* in the networked environment of *Ludwig* because this would have allowed for the interpersonal communications described by *Ludwig* which would have made the auction of *Ferguson* more exciting. Additionally, *Ludwig* discloses using their invention for business negotiations, of which auctions are a type. See Background of the Invention.

With respect to Claim 21, a survey would have been obvious for the same interpersonal communication benefit cited directly above. Such interpersonal communication would allow a person doing a survey to obtain much more "feedback" than as with simple forms filling.

With respect to Claim 22, *Ferguson* discloses bid and proposal format at Col. 8, lines 55-61.

With respect to Claim 23, an auction is read as ordering goods and services. See the discussion of Claim 20 above.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Silverman* and further in view of *Microsoft Press Computer Dictionary, Third Edition.*

With respect to Claim 24, *Ludwig* discloses the invention substantially as claimed. See the discussion of Claim 16 above. *Ludwig* does not specifically disclose use of EDI to execute business transactions. *Dictionary* discloses the use of EDI for business transactions at page 169. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used EDI for executing commercial transactions because it provides standardized business documents, which would have facilitated the completion of transactions.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* and *Silverman* and further in view of *Axaopoulus et al.*

Ludwig discloses the invention substantially as claimed. See the discussion of Claim 27 above. They do not disclose the use of a keyword search agent. *Axaopoulus* discloses this feature at Col. 15, lines 36-40 at least. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the keyword search of *Axaopolus* in the invention of *Ludwig* because this would have simplified search efforts by users of the electronic commerce environment.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et* in view of *Silverman* and further in view of *Tannenbaum.*

With respect to Claim 39, see the discussion of Claim 16 above and *Ludwig* discloses a single network at Fig. 1. This single network is composed of MLANs and a WAN as noted by

Applicant. *Ludwig* does not clearly define its network as a single network, although it is clearly shows an interconnected collection of autonomous computers. *Tannenbaum* makes clear this definition at Page 2, third full paragraph and shows that *Ludwig* discloses a single network. Thus, *Ludwig* discloses the single network claimed by Applicant.

With respect to Claim 40, the Internet as a single network usable for commerce was old and well known at the time of the invention.

Claims 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Stein et al.*

With respect to Claim 43, *Ludwig* discloses the invention substantially as claimed. See the discussion of Claim 16 above. *Ludwig* further discloses a directory of users (Fig. 20, ele. 163 and related text), information concerning group members (Fig. 20, ele. 164 and related text). *Ludwig* further discloses the use of databases for information storage at Col. 24, lines 16-60.

Ludwig odes not specifically disclose group specific standard negotiation terms or a document repository. *Stein* discloses standard negotiation terms at Fig. 7 and Col. 12, line 65 to Col. 13, line 11 and a document repository at Fig. 5, ele. 515 and Col. 14, lines 11-26. The standard negotiation terms disclosed by *Stein* comprise the specific terms within each template such as "Face Value", "Principal" or "Interest" in the case of Figure 7. Likewise, negotiation for other financial instruments, such as listed at Col. 6, lines 41-65, at least, would have other particular terms in contract templates.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaboration/negotiation invention of *Ludwig* with the group specific

standard terms of *Stein* because this would allow tailoring of negotiations to the particular instruments being negotiated

With respect to Claim 44, *Ludwig* discloses display of member data at Fig. 22, names and faces.

With respect to Claim 45, updating and verification would be obvious to assure that negotiating parties had current and correct information regarding counter parties.

With respect to Claim 47, time limited access is read as a monthly subscription charge, a concept old and well known. Also, *Stein* discloses time limited access at Col. 9, lines 30-44.

As to Claim 48, *Ludwig* does not specifically disclose right clicking a mouse button to obtain information. Official Notice is taken that the clicking of a right mouse button to obtain information was old and well known at the time of the invention. For example, it was known to right click a word processing document to find synonyms for a selected word.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Ludwig* through the use of a right mouse click to obtain lexicon terms because this would have been a familiar and convenient way to obtain desired information.

With respect to Claim 49, see the discussion of Claim 43. *Ludwig* specifically discloses segregation of a directory and group member information at Fig. 20 and related text. It would further have been obvious to logically separate a document repository because this would reduce the amount of specific data manipulated at each updating of each type of data.

With respect to Claim 50, see the discussion of Claim 52 regarding email. It would further have been obvious to use a user-selected term to allow flexibility and precision of language to the user.

With respect to Claim 51, the use of the system of *Ludwig* for reinsurance for particular geographic areas would be obvious because negotiation in such a subject is similar to negotiation for other business activities disclosed by *Ludwig.*

Concerning Claim 52, *Ludwig* discloses email, a predefined format at Col. 19, line 49-Col. 20, line 4.

With respect to Claim 53, *Stein* discloses varying lexicon at Fig. 7. See alsoi the discussion of Claim 43 regarding lexicon terms.

With respect to Claims 54-55, *Ludwig* discloses queries at Col. 34, line 35 to Col. 35, line 3.

Claims 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ludwig et al* in view of *Stein et al* and further in view of the *Microsoft Press Computer Dictionary.*

With respect to Claim 46, *Ludwig* discloses the use of email at Col. 19, lines 56-61. *Ludwig* does not specifically disclose pinging an email address. *Dictionary* discloses pinging an email address to determine validity at page 366, "ping[2]" definition. It would have been obvious to one of ordinary skill in the art at the time the invention was made to ping email addresses of *Ludwig* using the method of *Dictionary* because this would assure that email addresses were current,

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for offical communication and (703) 872-9327 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

crk
April 13, 2004

VINCENT MILLIN
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